

APPROVED 4/7/08
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, March 3, 2008 at the Mildred A. Wakeley Community & Recreation Center in Room #2 at 7:00 PM.

MEMBERS PRESENT:

James J. Giulietti, Acting Chairman
Douglas Roberts, Secretary
Vern Carlson
Brian Cummings
William O'Hare, Alternate
Antoinetta A. Carmody, Alternate, sitting for Dominic Palumbo
John H. Vanacore, Alternate

MEMBERS ABSENT:

Dominic Palumbo, Chairman

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator
Andy Bevilacqua, Acting Town Engineer
Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Giulietti, Acting Chairman, called the meeting to order at 7:00 PM. He introduced the Commissioners, alternates, town staff and the clerk. Mr. Giulietti explained the procedures for the public hearings. He asked Mr. Fredricksen if there were any changes to the agenda. Mr. Fredricksen stated that #P08-30, 410 Clintonville Road, is postponed by the applicant, to the April 7, 2008 meeting.

PUBLIC HEARING:

The Commission elected to hear Applications #P08-26 and #P08-27 together.

Mr. Roberts read the call for the first public hearing.

1. #P08-26 Special Permit Application/Certificate of Location (as authorized by Section 8.10.1) of GMRI, Inc., d/b/a Olive Garden, Applicant, North Haven Commons Development, L.P., Owner, relative to 300 Universal Drive North, (Map 21, Lot 9 & Map 16, Lot 4). Plan Entitled: Olive Garden Italian Restaurant, Prepared by Janet L. Pugh, R.A., Dated 1/25/08. Scale 1" = 10'. IL-80 Zoning District.

Mr. Roberts read the call for the second public hearing.

2. #P08-27 Special Permit Application/Certificate of Location (as authorized by Section 8.10.1) of GMRI, Inc., d/b/a Red Lobster, Applicant, North Haven Commons Development, L.P., Owner, relative to 300 Universal Drive North, (Map 21, Lot 9 & Map 16, Lot 4). Plan Entitled: Preliminary Land Development Plans for Red Lobster, Darden Restaurants, Inc., Prepared by Bohler Engineering, Dated 1/30/08. Scale 1" = 20'. IL-80 Zoning District.

Linda Nunn of GMRI Inc. presented the applications for Special Permits and Certificates of Location to serve alcohol at the Olive Garden and Red Lobster restaurants. The restaurants will be located in the North Haven Commons Development at 300 Universal Drive North.

Being no public comment, the public hearing was closed.

Mr. Roberts read the call for the third public hearing.

3. #P08-28 Resubdivision Application of Bernard Pellegrino, Applicant, SLM Realty Corp., Owner, relative to 500 Middletown Avenue, (Map 23, Lot 72). Plan Entitled: Lexington Gardens Parcel, Proposed Residential Resubdivision, Prepared by Milone & MacBroom, Dated February 8, 2008. Scale 1" = 40'. R-40 Zoning District.

Attorney Bernard Pellegrino, Jr. presented the application for a residential resubdivision located at 500 Middletown Avenue. The parcel is located in an R-40 zone and is approximately fifteen acres. There are no wetlands on this site. The applicant is proposing to subdivide the parcel into twelve, one acre residential lots. Mr. Ryan McEvoy, engineer with Milone & MacBroom, further described the existing site conditions including drainage. A new road, across from Great Meadow Drive, is being proposed. Sewers and city water are also being proposed for this site.

Mr. Giulietti asked if there is flooding on this site. Mr. McEvoy stated that there are no flooding concerns. Mr. Giulietti also asked about possible sight line issues for the proposed access road and sidewalks. Sidewalks are being proposed for one side of the development only; however, Mr. Giulietti would like to see sidewalks all around the cul-de-sac and out onto Middletown Avenue.

Lots two and four have trees that abut neighbors. Mr. Carlson asked if these trees would have to be removed. Attorney Pellegrino, Jr. said, at this point, there is no plan to clear those areas. Mr. McEvoy stated that a vegetative buffer for the water quality basin on this site would be provided. Mr. Roberts asked questions about drainage and was concerned about the long driveways being proposed. Attorney Pellegrino Jr. and Mr. McEvoy responded. Mr. Cummings was concerned about rain gardens being filled in.

Mr. Bevilacqua, Acting Town Engineer, reviewed some of his comments with the applicant and commissioners.

Mr. Giulietti asked for public comment.

Public comment:

- 1) Dan Dudek, 1 Great Meadow Drive, has concerns with water flowing over the catch basin outlet wall. He also asked questions pertaining to the storm sewer.
- 2) Joe Carafeno, 26 Spring Road, stated that this project is a good plan but has concerns with the existing drainage issues at 32 & 36 Spring Road. He wants to be assured that this development won't add to the existing drainage problems.
- 3) Andrew Ferraro, 36 Spring Road, already has drainage problems and wants to make sure this development doesn't further affect the existing drainage problem.
- 4) Sandy Stetson, 542 Middletown Avenue, a 60 year resident of North Haven has drainage concerns and would like to see full sidewalks installed and the soil tested.
- 5) Doreen Zuccarelli, 520 Middletown Avenue, has environmental and drainage concerns. She is also concerned with the buffer of trees that could possibly be removed during construction.
- 6) Susan Hill, 530 Middletown Avenue, has concerns with drainage and the possibility of trees being removed near the rear of her property, however, she feels this is a good plan.
- 7) Mike Zuccarelli, 520 Middletown Avenue, a 20 year resident of North Haven, has environmental concerns and would like to see the soil test results. He also asked about emergency service access to this site and the type of construction that would be used.
- 8) Kathleen Henry, 50 Spring Road, has concerns with the buffer zone being disturbed.
- 9) Keith Larsen, 27 Livingston Drive, has concerns with the buffer zone being disturbed and asked about site clean up and removal of the green houses.
- 10) Al Cretella, 477 Middletown Avenue, has concerns with drainage and traffic during the construction of the sewer and water systems. He asked if there would be a traffic light for this site. He also has drainage concerns for the three lots on the west side of the development.
- 11) Cheryl Johnson, 50 Spring Road, has concerns with drainage and the sloped area of the site. She feels that this area could be filled with debris.
- 12) John Ferraro, 176 Fitch Street, spoke on behalf of his father, Andrew Ferraro on 36 Spring Road, regarding drainage issues.

Mr. McEvoy and Attorney Pellegrino responded to the public's and Commissioner's comments.

Being no further public comment, the public hearing was closed.

The following application was postponed by the applicant to the April 7, 2008 meeting.

4. #P08-30 Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of Haven East, LLC, Applicant and Owner, relative to 410 Clintonville Road, (Map 69, Lot 5). Plan Entitled: Topographic/Boundary Map, Prepared by Martinez Couch & Associates, LLC, Dated 9/7/01. Scale 1" = 10'. R-40 Zoning District – postponed to the April 7, 2008 meeting.

BREAK: 8:50 – 9:00 PM

SITE PLANS:

5. #P08-24 Site Plan Application of Andrew Ciaccio, Applicant, Stony Island, LLC, Owner, relative to 92 State Street, (Map 58, Lot 108). Plan Entitled: Site Plan, Art's TV & Appliance, 92 State Street, North Haven, CT, Prepared by Christopher G. Bell, P.E., Dated 1/7/07, rev. 2/5/08. Scale 1" = 20'. CB-40/ R-20 Zoning Districts.

Mr. Chris Bell, engineer, presented the application for a 5,400 square foot appliance store with a 10' wide canopy in front, and a loading dock on the south side. Another 5,400 square foot building, an automobile detail shop, is being proposed in the rear. He further described the 1.5 acre site including the drainage. A 30' buffer is being proposed for the rear of the site. Mr. Giulietti asked about parking. A total of 38 parking spaces are being proposed for this site. Mr. Roberts asked about the dumpsters being enclosed. Mr. Bell stated that the lower dumpster will be fenced in, and the upper dumpster will have plantings.

Mr. Roberts asked about handicapped access. Mr. Bell said they are proposing two handicapped parking spaces. Mr. Fredricksen asked about irrigation. Mr. Bell said the lower parcel will have an irrigation system and they would like to waive the irrigation system for the rear parcel. Mr. Ciaccio, owner, further discussed the parking issue. Mr. Roberts asked about plantings and lighting. Mr. Bell responded. Mr. Cummings was concerned about visibility around the "S" shaped turn in the parking lot.

6. #P08-29 Site Plan Application of Primax Properties, LLC, Applicant, D'Errico Realty, LLC, Owner, relative to 343 Washington Avenue, (Map 85, Lot 11). Plan Entitled: Site Development Plan for Advance Auto Parts, Q4-07 Prototype Stores, 343 Washington Avenue, North Haven, CT 06473, Prepared by Bohler Engineering, Dated 02-08-08. Scale 1" = 20'. IL-30 Zoning District.

Attorney David Sherwood presented the application for Advanced Auto Parts to replace a restaurant. The site is currently considered existing, nonconforming. The proposed 5,678 square foot auto part store will eliminate some of the non-conforming issues. There are 24 proposed parking spaces where 28 are required. The 8' wide landscaped islands would eliminate parking spaces, so the applicant would like them waived. Irrigation will be provided. Mr. Roberts requested designer outdoor lighting. Three light poles are being proposed.

7. #P08-31 Site Plan Application of Timothy J. Lee on behalf of James Nan, Applicant, 354 Washington Avenue, LLC, Owner, relative to 344 Washington Avenue, (Map 85, Lot 123). Plan Entitled: As-built, Property Located at 344-354 Washington Avenue, North Haven, Connecticut, Prepared by Criscuolo Engineering, LLC, Dated 3/22/04, rev. 2/6/08. Scale 1" = 30'. CB-40/R-12 Zoning Districts.

Attorney Timothy Lee presented the application for a sushi restaurant for 44 patrons. Twenty-five parking spaces are required for this business.

BREAK: 9:58 – 10:01 PM.

DELIBERATION SESSION:

Mr. Carlson moved to go into deliberations; Mr. Roberts seconded the motion. All were in favor.

PUBLIC HEARING:

1. #P08-26 Special Permit Application/Certificate of Location (as authorized by Section 8.10.1) of GMRI, Inc., d/b/a Olive Garden, Applicant, North Haven Commons Development, L.P., Owner, relative to 300 Universal Drive North.

Mr. Roberts moved to approve the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody - aye

The application was approved.

2. #P08-27 Special Permit Application/Certificate of Location (as authorized by Section 8.10.1) of GMRI, Inc., d/b/a Red Lobster, Applicant, North Haven Commons Development, L.P., Owner, relative to 300 Universal Drive North.

Mr. Roberts moved to approve the application; Mrs. Carmody seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody – aye

The application was approved.

3. #P08-28 Resubdivision Application of Bernard Pellegrino, Applicant, SLM Realty Corp., Owner, relative to 500 Middletown Avenue.

Mr. Carlson moved to approve the application; Mr. Giulietti seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody - aye

The application was approved with appropriate conditions.

SITE PLANS:

5. #P08-24 Site Plan Application of Andrew Ciacchio, Applicant, Stony Island, LLC, Owner, relative to 92 State Street.

Mr. Carlson moved to continue the application; Mrs. Carmody seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody - aye

The application was continued to the April 7, 2008 meeting.

6. #P08-29 Site Plan Application Primax Properties, LLC, Applicant, D'Errico Realty, LLC, Owner, relative to 343 Washington Avenue.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody - aye

The application was approved with appropriate conditions.

7. #P08-31 Site Plan Application of Timothy J. Lee on behalf of James Nan, Applicant, 354 Washington Avenue.

Mrs. Carmody moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody - aye

The application was approved with appropriate conditions.

INFORMAL PRESENTATION:

21 Anthony Road

Mr. Roberts read a letter from Robert DeMezzo of 21 Anthony Road, regarding issues with new town field parking. Mr. Mezzo is requesting fencing to separate the parking area from residential area. The matter was referred to the Board of Education for appropriate action.

OTHER:

EXTENSIONS: None

BOND RELEASES & REDUCTIONS:

#P98-61, 211 Montowese Avenue

Mr. Cummings moved to release the entire bond for #P98-61, 211 Montowese Avenue, in the amount of \$5,000.00; Mr. Carlson seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody – aye

CHANGE OF USE:

55A State Street – Change of Use from an alarm company store to a consignment shop.

The Landlord did not appear at this meeting. The Commission requested that another letter be sent requesting that the landlord attend the April 7, 2008 meeting.

410 Universal Drive – Change of Use from a restaurant to a credit union.

Mr. Carlson moved to approve the Change of Use; Mrs. Carmody seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody – aye

117 Washington Avenue – CT School of Dog Grooming

Mr. Giulietti moved to require the applicant to make a site plan application to the Planning & Zoning Commission for this change of use; Mrs. Carmody seconded the motion.

The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson – aye Cummings – aye Carmody – aye

- CORRESPONDENCE:**
- State of CT Office of Policy Management letter dated February 20, 2008
 - Conn. Federation of Planning & Zoning Agencies Length of Service Awards/Lifetime Achievement Awards

MINUTES:

January 29, 2008

Mr. Carlson moved to approve the minutes of January 29, 2008; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson - aye Cummings - aye

February 4, 2008

Mr. Carlson moved to approve the minutes of February 4, 2008; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts – aye Carlson - aye Cummings – aye Carmody - aye

ADJOURN:

There being no further business, Mr. Carlson moved to adjourn; Mr. Cummings seconded the motion. The meeting was adjourned at 10:31 PM.